

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,937	04/20/2004	Burkart	50011-00006

25231  
MARSH, FISCHMANN & BREYFOGLE LLP  
3151 SOUTH VAUGHN WAY  
SUITE 411  
AURORA, CO 80014

CONFIRMATION NO. 5101

## FORMALITIES LETTER



\*OC000000013086597\*

RECEIVED

JUN 3 0 2004

Date Mailed: 06/28/2004

MARSH FISCHMANN &amp; BREYFOGLE LLP

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$450** for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

10/06/2004 RMEBRAHT 00000010 501419 10828937

01 FC:2051 65.00 OP  
02 FC:2001 10.00 DA 385.00 OP

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*A copy of this notice MUST be returned with the reply.*

*B. To*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
**50011-00006**

In Re Application Of: **BURKART**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/828,937	April 20, 2004	Not Yet Assigned	25231	3679	5101

Invention:

**FENCE POST ACCESSORY APPARATUS**

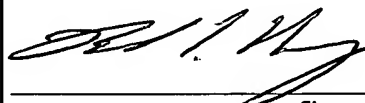
**TO THE COMMISSIONER FOR PATENTS:**

**Mail Stop Missing Parts**

The fee of **\$505.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-1419**
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **50-1419**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature

**Russell T. Manning, Esq.**  
Registration No. 51,260  
**MARSH FISCHMANN & BREYFOGLE LLP**  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720)562-5502

Dated: **September 28, 2004**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CF. 1.8(a)] on \_\_\_\_\_.

(Date)

  
Signature of Person Mailing Correspondence

**Bobbye D. Simon (Sept. 28, 2004)**

Typed or Printed Name of Person Mailing Correspondence

CC:

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
50011-00006

In Re Application Of: **BURKART**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/828,937	April 20, 2004	Not Yet Assigned	25231	3679	5101

Invention:

**FENCE POST ACCESSORY APPARATUS**

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
June 28, 2004  
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ \_\_\_\_\_ verified small entity declaration(s)
  - ☐ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☐ A separate request for refund.
- ☐ Other (list):

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
**50011-00006**

In Re Application Of: **BURKART**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>10/828,937</b>	<b>April 20, 2004</b>	<b>Not Yet Assigned</b>	<b>25231</b>	<b>3679</b>	<b>5101</b>

Invention:

**FENCE POST ACCESSORY APPARATUS**

**TO THE COMMISSIONER FOR PATENTS:**

**Mail Stop Missing Parts**

☒ Completion of application fees as calculated below:

☒ Utility application filing fee **\$385.00**

☐ Design application filing fee                     

☒ Total number of independent claims =     1                         

☒ Total number of claims =     1                         

☐ Multiple dependent claims                     

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$65.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor                     

☐ Fee for processing an application filed with a non-English language specification                     

☐ Fee for processing and retention of application                     

Total completion of application fees **\$450.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☒ One month      ☐ Two months      ☐ Three months      ☐ Four months      ☐ Five months

from:     August 28, 2004     until:     September 28, 2004      
*Date* *Date*

Total time extension fees **\$55.00**

Total fees due **\$505.00**



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BURKART

Serial No.: 10/828,937

Filed: April 20, 2004

Confirmation No.: 5101

Atty. File No.: 50011-00006

For: "FENCE POST ACCESSORY  
APPARATUS"

) Group Art Unit: 3679

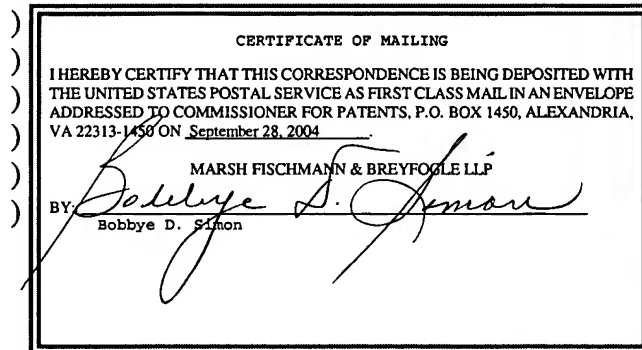
)

) Examiner: Not Yet Assigned

)

) SUBMISSION OF MISSING PARTS

)



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
MAIL STOP MISSING PART

Dear Sir:

In response to the Notice to File Missing Parts dated June 28, 2004, in connection with the above-identified application, enclosed herewith please find a Declaration.

Also enclosed herewith is a petition for a one-month extension of time, thereby extending the time period for response from August 28, 2004 to September 28, 2004. Also enclosed please find a check for \$505.00, which includes payment of the filing fee in the amount of \$385.00 reflecting small entity status, the amount of \$65.00 for payment of the surcharge and the amount of \$55.00 for a one-month extension of time. Please note that by separate filing on an even date herewith, Applicant has submitted a Preliminary Amendment. Please credit any overpayment or

10/06/2004 RMEBRAHT 00000009 10828937

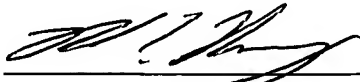
01 FC:2251

55.00 OP

debit any underpayment to Deposit Account No. 50-1419. A copy of the Notice to File Missing Parts is also enclosed.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Russell T. Manning  
Registration No. 51,260  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720)562-5502

Date: September 28, 2004